

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

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(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency: Department of Transportation

(2) Agency Number: 18-419

IRRC Number: 2969

(3) PA Code Cite: 67 Pa. Code Chapter 17

(4) Short Title: Authorization to Verify Identification Number

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Penni Bernard, Customer Services Division, Bureau of Motor Vehicles, (717) 772-3337, pbernard@pa.gov

Secondary Contact: Craig Comp, Customer Services Division, Bureau of Motor Vehicles, (717) 783-6523, CCOMP@pa.gov

(6) Type of Rulemaking (check applicable box):

- ☒ Proposed Regulation
☐ Final Regulation
☐ Final Omitted Regulation

- ☐ Emergency Certification Regulation;
☐ Certification by the Governor
☐ Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The purpose of this chapter is to designate those persons who are authorized to verify the vehicle identification number of a vehicle in connection with an application for certificate of title where it is impossible to obtain either a legible tracing or a photograph of the vehicle identification number. The purpose of these amendments is to clarify and expand the listing of persons who are authorized to verify the vehicle identification number of a vehicle, limit the type of vehicle identification number that persons other than the Pennsylvania State Police may verify, and provide greater specificity for the vehicle identification number verification process

(8) State the statutory authority for the regulation. Include specific statutory citation.

Authority for this regulation is found in Sections 1103.1 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa. C.S. §§ 1103.1 and 6103),

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

These amendments will add to the list of individuals who will be able to verify the public vehicle identification number of a vehicle. In addition, the amendments will specify the verification and validation process to be followed when verifying the vehicle identification number..

(11) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not the basis for this regulation.

(12) Describe who and how many people will be adversely affected by the regulation. How are they affected?

There should be no adverse affects to anyone from the promulgation of these amendments.

(13) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

All certified Pennsylvania inspection station mechanics, notary publics employed by a an issuing agent, full agent or card agent, out of state police officers or mechanics employed by a dealership or an armed forces installation provost marshal or motor officers will be required to comply with this regulation. The number cannot be established with any precision.

(14) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Costs to the regulated community will be marginal resulting from the requirement for validation of the identity of the person performing the verification of the vehicle identification number.

(15) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Costs to the local governments will be marginal resulting from the requirement for validation of the identity of the person performing the verification of the vehicle identification number.

(16) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

Costs to state government will be marginal resulting from the requirement for validation of the identity of the person performing the verification of the vehicle identification number.

(17) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	None					
Local Government	None					
State Government	None					
Total Savings	None					
COSTS:						
Regulated Community	Marginal					
Local Government	Marginal					
State Government	Marginal					
Total Costs	Marginal					
REVENUE LOSSES:						
Regulated Community	None					
Local Government	None					
State Government	None					
Total Revenue Losses	None					

(17a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
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Safety	\$ 132,828,000	\$ 117,842,000	\$ 112,747,000	\$ 124,420,000
Administration				

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

These amendments will add to the list of individuals who will be able to verify the public vehicle identification number of a vehicle. In addition, the amendments will specify the verification and validation process to be followed when verifying the vehicle identification number.

(19) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

We have received favorable communications from vehicle fraud investigators, the Pennsylvania Association of Notaries, and Reighard's Tag Service regarding the amendment of this regulation

(20) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were developed and considered. The amendments, however, were crafted to impose only marginal new requirements to improve the integrity of the verifications required by the Vehicle Code.

(21) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no applicable Federal standards.

(22) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

The regulation has no effect on Pennsylvania's competitiveness.

(23) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will not affect other regulations of the Department but will affect the Pennsylvania State Police insofar as vehicle identification numbers which cannot be verified under this Chapter will be referred to the State Police.

(24) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The only additional paperwork that will required by this regulation is the addition of an ID number to validate the identity of the person performing the verification of the vehicle identification number.

(25) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

No special provisions have been developed.

(26) Include a schedule for review of the regulation including:

- A. The date by which the agency must receive public comments: _____
- B. The date or dates on which public meetings or hearings will be held: _____ N/A _____
- C. The expected date of promulgation of the proposed regulation as a final-form regulation: October 31, 2012
- D. The expected effective date of the final-form regulation: October 31, 2012
- E. The date by which compliance with the final-form regulation will be required: October 31, 2012
- F. The date by which required permits, licenses or other approvals must be obtained: _____ N/A _____

(27) Provide the schedule for continual review of the regulation.

The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required pursuant to the Vehicle Code (75 Pa. C.S. 1.01, *et seq.*). The Department, however, will continue to closely monitor these regulations for their effectiveness.

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE
LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.
Attorney General

By: *Angela M. Elliott*
(Deputy Attorney General)

AUG 17 2012

Date of Approval

☐ Check if applicable
Copy not approved. Objections attached.

Copy of below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

Department
of
Transportation
(Agency)

DOCUMENT/FISCAL NOTE NO. 18-419

DATE OF ADOPTION _____

BY *Brian J. Schuch*
Secretary of Transportation

Copy below is hereby approved as to
form and legality. Executive or
Independent Agencies

BY *Shawn E. Smith*

JUL 19 2012

(Date of Approval)

(Deputy General Counsel)
(~~Chief Counsel, Independent Agency~~)
(Strike Inapplicable Title)

☐ Check if applicable. No attorney
General Approval or Objection within
30 days after submission.

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

Title 67 Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article II. Title

Chapter 17

Authorization to Verify Identification Number

Notice of Proposed Rulemaking

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**DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES**

Title 67 Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article II. Title

Chapter 17

Authorization to Verify Identification Number

Notice of Proposed Rulemaking

Preamble

Notice is hereby given that the Department of Transportation, pursuant to the authority contained in Sections 1103.1 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa.C.S. §§ 1103.1 and 6103), proposes to amend Chapter 17 of the Department of Transportation Regulations, Title 67, by amending §§ 17.1 *et seq.*, as set forth in Annex A to this Notice.

Purpose of this Chapter

The purpose of this chapter is to designate those persons who are authorized to verify the vehicle identification number of a vehicle in connection with an application for certificate of title where it is impossible to obtain either a legible tracing or a photograph of the vehicle identification number.

Purpose of the Proposed Amendments

The purpose of these amendments is to clarify and expand the listing of persons who are authorized to verify the vehicle identification number of a vehicle, limit the type of vehicle identification number that persons other than the Pennsylvania State Police may verify, and provide greater specificity for the vehicle identification number verification process.

Summary of Significant Amendments

Sections 17.1 and 17.2 have been amended to clarify that persons authorized under this chapter may verify the “public” vehicle identification number which is generally readily visible on the dashboard or elsewhere on the vehicle. Subsection (3) of § 17.2 has been deleted upon the recommendation of the Pennsylvania Association of Notaries and others affected by this chapter.

A new subsection (4) has been added to Section 17.3 to include authorized employees or agents of the Department of Transportation to also perform verifications of public vehicle identification numbers. A new Section 17.4 has been added to the Chapter to describe the process for verification of the vehicle identification number, including referral to the Pennsylvania State Police if the “public” vehicle identification number cannot be verified. A new Section 17.5 has been added to the Chapter to provide for validation of the identity of the authorized person performing the verification.

Persons and Entities Affected

These amendments will affect applicants seeking a certificate of title for a vehicle which was last previously titled or registered in another state or country as well as those persons authorized to perform vehicle identification numbers under this chapter.

Fiscal Impact

Implementation of these amendments will not require the expenditure of significant additional funds by the Commonwealth or local municipalities. Minimal additional effort or paperwork will be required to validate the identity of the person performing the verification.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. 745.5(a), the agency submitted a copy of this proposed regulation on August 21, 2012, to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting these regulations, the agency has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections

shall specify the regulatory review criteria that have not been met. The Act specified detailed procedures for review, prior to final publication of the regulation, by the Department, the General Assembly and the Governor of comments, recommendations or objections.

Sunset Provisions

The Department of Transportation will make these regulations effective upon publication in final form following appropriate evaluation of any comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required pursuant to the Vehicle Code (75 Pa. C.S. 1.01, *et seq.*). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the regulations to Penni Bernard, Customer Service Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, or to pbernard@state.pa.us within thirty days of the publication of this notice in the *Pennsylvania Bulletin*

Contact Person

The contact person for this regulation is Penni Bernard, Customer Service Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, or to pbernard@state.pa.us.

Barry J. Schoch, P.E.

Secretary of Transportation

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE CHARACTERISTICS

ARTICLE II. TITLE

CHAPTER 17. AUTHORIZATION TO VERIFY IDENTIFICATION NUMBER

§ 17.1. Purpose.

The purpose of this chapter is to designate those persons who are authorized to verify the public vehicle identification number of a vehicle in connection with an application for certificate of title where it is impossible to obtain either a legible tracing or a photograph of the vehicle identification number, as required by 75 Pa.C.S.

§ 1103.1(e) (relating to application for certificate of title).

§ 17.2. Applicability.

Visual [Verification] verification shall be required in the following situations when it is impossible to obtain a signed and dated legible tracing or photograph of the public vehicle identification number located on the vehicle:

(1) When a Pennsylvania resident acquires a new or used vehicle from a nonresident [for use in this] of the Commonwealth.

(2) When a nonresident brings into this Commonwealth, in connection with establishing a Pennsylvania residence, a vehicle previously titled or registered in another state or country.

[(3) When the application for initial certificate of title is for a truck, truck-tractor, or motor home, regardless of source of ownership.]

§ 17.3. Authorized persons.

The following persons shall be authorized to inspect and verify [that the] a public vehicle identification number[conforms with the description given in the application]:

- (1) A certified Pennsylvania inspection station mechanic.
- (2) A notary public employed by one of the following:
 - (i) A person to whom manufacturer or dealer registration plates have been issued under 75 Pa. C.S. § 1335 (relating to registration plates for manufacturers and dealers).
 - (ii) An authorized full agent or card agent, as defined in Chapter 43 (relating to temporary registration cards and plates).
- (3) If the vehicle is located outside of this Commonwealth one of the following:
 - (i) A police officer.
 - (ii) A mechanic employed by a dealer.
 - (iii) An armed forces installation provost marshal or motor officer.
- (4) An authorized Department employee or agent of the Department in the performance of her/his official duties.

§ 17.4. Verification Process.

An authorized person can only verify the vehicle identification number when such verification is undertaken as part of the performance of her/his official duties.

- (1) The authorized person must physically check the public vehicle identification number located on the vehicle and determine if the number conforms with the description given in the application.

(2) If the actual number located on the vehicle does not exactly match the number on the application, the authorized person shall not sign, indicate or otherwise verify that the number conforms with the description given in the application and shall refer the applicant to the Pennsylvania State Police for physical verification of the nonpublic vehicle identification number.

§ 17.5. Validation Process.

The verification of the public vehicle identification number must be signed by the authorized person performing the verification. The signature must be accompanied by:

- (1) The printed name of the authorized person; and
- (2) An identification number for the authorized person, such as badge number, notary number, employee number, dealer number, mechanic identification, or other identification number.



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

August 21, 2012

David Sumner, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

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2012 AUG 21 PM 2:31

**Re: Proposed Rulemaking
18-419 — 67 Pa. Code, Chapter 17
Authorization to Verify Identification Number**

Dear Mr. Sumner:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form, for amendments to Chapter 17 of Department regulations which the Department of Transportation intends to adopt in accordance with the provisions of Section 5 of the Regulatory Review Act, Act of June 25, 1982, P.L. 633, *as amended* 71 P.S. § 745.5.

Copies of these materials were also delivered today to the Legislative Reference Bureau and to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees.

The Department of Transportation will provide IRRC with any assistance you require to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

Stephen F. J. Martin
Regulatory Counsel



**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: #18-419
SUBJECT: Authorization to Verify Identification Number
67 Pa. Code, Chapter 17
AGENCY: Department of Transportation

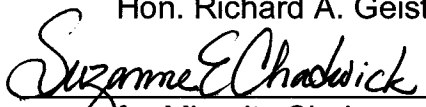
TYPE OF REGULATION

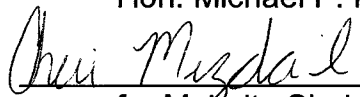
- ☒ Proposed Regulation - Corrected Preamble
Final Regulation
Final Regulation with Notice of Proposed Rulemaking Omitted
120-day Emergency Certification of the Attorney General
120-day Emergency Certification of the Governor


FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
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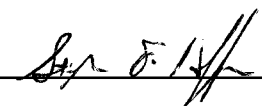
8-23-12	 for Majority Chair Hon. Richard A. Geist	HOUSE COMMITTEE ON TRANSPORTATION
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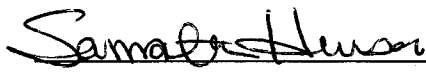
8/23/12	 for Minority Chair Hon. Michael P. McGeehan	
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8/23/12	 for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
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8-23-12	 for Minority Chair Hon. John N. Wozniak	
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_____	N/A	OFFICE OF ATTORNEY GENERAL
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8/23/12		INDEPENDENT REGULATORY REVIEW COMMISSION
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8/23/12		LEGISLATIVE REFERENCE BUREAU
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Date: August 23, 2012

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